

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OHIO  
WESTERN DIVISION

United States of America,

Case No. 3:05CR748

Plaintiff

v.

ORDER

David Crenshaw,

Defendant

This is a criminal case in which the defendant has filed a motion for return of property (namely, \$1,426 seized by the Toledo Police Department during his arrest). [Doc. 32]. The government has filed an opposition. [Doc. 33]. For the reasons that follow, the motion shall be denied.

The defendant pled guilty pursuant to a plea agreement to possession with intent to distribute crack cocaine and carrying a firearm in relation to a drug trafficking crime. He received sentences of eighty-four and sixty months respectively, to be served consecutively.

In his motion for return of property, the defendant claims the government did not follow proper procedures in that it failed to: 1) charge forfeiture of the \$1,426 in the indictment; 2) provide notice of forfeiture; and 3) establish a nexus between the money and any illegal activity.

I have no subject matter jurisdiction over the seized currency. The Toledo Police Department seized it from the defendant. It was never transferred to any federal agency. For that reason, the indictment did not contain a forfeiture count.

In any event, the State of Ohio instituted forfeiture proceedings against the seized monies. On April 9, 2009, the Lucas County, Ohio, Court of Common Pleas entered a judgment of forfeiture by default. [Doc. 33, Ex. A].

The defendant's motion for return of property is without merit. It is, accordingly, ORDERED THAT the defendant's motion for return of property [Doc. 32] be, and the same hereby is denied.

So ordered.

s/James G. Carr  
James G. Carr  
Chief Judge